HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.456 of 2007

Between:

People's Educational Society, Pithapuram,
East Godavari District, rep., by its Secretary,
Smt. P.N. Vasantha, W/o. Dr. Shyam Prasad,
Aged 50 years

... Appellant

And

The Commissioner & Inspector General,
Registration & Stamps Department,
Andhra Pradesh, Hyderabad and another

... Respondents

::JUDGMENT::

Counsel for the appellant : Shri Ch. Samson Babu

June 7, 2007

Per C.V. Nagarjuna Reddy, J

This appeal is directed against order dated 26.04.2007 passed by the learned Single Judge in Writ Petition No. 8456 of 2007, whereby he declined the appellant's prayer for quashing order dated 10.04.2007 issued by District Registrar of Assurances, Kakinada, East Godavari District (respondent No.2 herein) refusing to take on record the list of governing body submitted by the appellant.

It is borne out from the record that there are two groups of members of the People's Educational Society and they are litigating in different forums. Writ Petition No. 21174 of 2006 filed by the appellant for grant of relief similar to the one prayed for in Writ Petition No.8456

of 2007 was disposed of by the learned Single Judge on 27.10.2006 by making the following observations:

> " In reference entry No.3 above, respondent No.2 refers to W.P.No.15486 of 2005, which has already been disposed of by this Court by order dated 17.4.2006. Presumably for the reason that the said order of this Court was not before respondent No.2, the impugned endorsement was issued. Therefore, this Court observes that the petitioner-society should approach respondent No.2 again by producing a copy of the order dated 17.04.2006 in W.P.No.15486 of 2005, whereupon respondent No.2 would take necessary action in accordance with the provisions of the Act."

By the order impugned in this appeal, the learned Single Judge rejected the appellant's prayer on the ground that the rival group which is claiming right to run the society filed O.P. No. 312 of 2005 on the file of learned III Additional District Judge, Kakinada and that the appellant is respondent No.1 in the said O.P. The learned Single Judge held that since there is a dispute with respect to the management of the society, respondent No.2 is justified in not taking on record the list submitted by the petitioner.

Shri Ch. Samson Babu, learned counsel for the appellant relied upon Section 9 of the Andhra Pradesh Societies Registration Act, 2001 (for short, 'the Act') and argued that in terms of that provision, respondent No.2 is obliged to receive annual list furnished by the society and the learned Single Judge committed an error by refusing to issue a mandamus to the said respondent to take the list on record.

We have considered the submission of the learned counsel, but have not felt impressed. Section 9 of the Act reads as under:

> "9) **Filing of annual list**:- Every year the society shall, within fifteen days from the date on which the General Body meeting was held, furnish a list to the Registrar of Societies which shall contain the names and addresses of the members of the Managing Committee and Officers entrusted with the management of the affairs

of the Society".

A reading of the above reproduced provision shows that within 15 days from the date on which the general body meeting was held, the society shall furnish a list to the Registrar of Societies which shall contain the names and particulars of the members of the managing committee and officers entrusted with the management of the affairs of the society. There is nothing in the language of Section 9 from which it can be inferred that the officer concerned is obliged to take the list on record ignoring the pending dispute between the members. A reading of order dated 10.04.2007 passed by respondent No.2 shows that he declined to take on record the list furnished by the appellant because of pendency of the O.P. filed by the opposing group of members. This is evinced from the following extracts of that order:

> "It is hereby informed that the Hon'ble High Court of the Judicature of Andhra Pradesh, Hyderabad in the reference 3rd cited has directed the undersigned to take necessary action in accordance with the provisions of the societies registration act 35 of 2001 and basing on the orders issued in the reference 4th cited in respect of the representation submitted by Smt. P.N. Vasantha in the reference 1st cited.
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> In this connection the list of governing body submitted in the reference 1st cited can not be taken on to record as the O.P. in the reference 2nd cited regarding the management of the society is still pending under section 23 of Andhra Pradesh Societies Registration Act 35 of 2001 and until the dispute among the rival bodies is settled."

It is not in dispute that the O.P filed by the rival group is pending. Therefore, the petitioner cannot claim that there is an obligation on the part of respondent No.2 to recognise the list sent by one of the groups to the dispute.

For the reasons mentioned above, we hold that the appellant has failed to make out a case for interference with the order under

challenge and the appeal is liable to be dismissed. Ordered accordingly.

As a sequel to dismissal of the appeal, WAMP No. 857 of 2007 filed by the appellant for interim relief is also dismissed.

C.V. NAGARJUNA REDDY, J

G.S. SINGHVI, CJ

June 7, 2007

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